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Appl. No. 10/766,096  
Amdt. dated July 19, 2006  
Reply to Office Action of May 2, 2006

PATENT**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1-13. (Canceled)

14. (Currently amended) A nucleic acid hybridization assay kit comprising collection of standardized, sealed vials a sealed vial containing lyophilized eukaryotic cells for use as controls in diagnostic assays lyophilized in a RNase-free aqueous, isotonic solution treated with diethyl pyrocarbonate, wherein the cells after 4 weeks at 20°C have more than 50% of their 18S rRNA intact as measured by gel electrophoresis.

15. (Currently amended) ~~A sealed vial~~ The kit of claim 14 wherein the cells are infected with an RNA virus.

16. (Currently amended) ~~A sealed vial~~ The kit of claim 14 wherein the cells are lymphocytes.

17. (Currently amended) ~~A sealed vial~~ The kit of claim 14 wherein the vial contains an inhibitor of RNase ~~in an amount effective to reduce degradation of RNA~~.

18-30. (Cancelled)

31. (New) The kit of claim 14, wherein the cells are human.

32. (New) The kit of claim 14, further comprising cell free nucleic acid selected to hybridize to a known target nucleic acid.

33. (New) The kit of claim 14, further comprising at least one amplification primer pair.

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34. (New) The kit of claim 14, further comprising a labeled nucleic acid.
35. (New) The kit of claim 14, wherein the nucleic acid hybridization assay is an amplification based assay.
36. (New) The kit of claim 35, wherein the amplification based assay is a ligase chain reaction based assay or a polymerase chain reaction based assay.
37. (New) The kit of claim 14, wherein the nucleic acid hybridization assay uses RNA extracted from the lyophilized cells.
38. (New) The kit of claim 37, further comprising a reverse transcriptase.
39. (New) The kit of claim 37, wherein the RNA is transcribed into complementary DNA during the assay.